

AO 91 (Rev. 08/09) Criminal Complaint

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## UNITED STATES DISTRICT COURT

11 JUL -1 PM 4:30

for the

Southern District of Ohio

U.S. DISTRICT COURT  
SOUTHERN DIST OHIO  
WEST RIV CINCINNATI

United States of America )

v. )

Case No. )

ALAN DAVID GJERDE )

**111MJ -247***Defendant(s)*

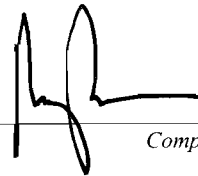
## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 6/27/11 and 7/1/11 in the county of Hamilton in the  
Southern District of Ohio, the defendant(s) violated:*Code Section**Offense Description*18 USC 2422(a)  
18 USC 2423(b)Coercion and Enticement  
Travel with Intent to Engage in Illicit Sexual Conduct

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.*Complainant's signature*

Mary Braun, Detective RECI

*Printed name and title*

Sworn to before me and signed in my presence.

Date:

7/1/2011*Judge's signature*

City and state:

Cincinnati, OhioHon. Stephanie K. Bowman, U.S. Magistrate Judge*Printed name and title*

**AFFIDAVIT IN SUPPORT OF**  
**A CRIMINAL COMPLAINT**

I, Mary Braun, a Cincinnati Police Department Specialist and Hamilton County Sheriff's Office Regional Electronics and Computer Investigations (RECI) Task Force Detective, being duly sworn, depose and state as follows:

**INTRODUCTION**

1. I have been employed as a Police Specialist with the Cincinnati Police Department since 2004, and for the past year have been assigned to the RECI Task Force working on crimes involving computers and computer based crimes against children, where I have become familiar with the methods and schemes employed by persons who trade and collect child pornography as well as the manner in which adults seduce children for hands-on offenses. I have received formal training in the investigation of these matters at the Cincinnati Police Academy, training at the National Center for Missing and Exploited Children, through other in-service training, and through private industry. As a law enforcement officer, I am authorized to investigate violations of laws with the authority to execute warrants.

2. I make this affidavit in support of an application for a criminal complaint and arrest warrant for Alan David Gjerde for the coercion and enticement of a minor to engage in an illegal sexual activity using a means of interstate commerce, to wit his iPhone, in violation of 18 U.S.C. § 2422(b), and traveling with the intent to engage in illicit sexual conduct with a minor in violation of 18 U.S.C. § 2423(b). The statements in this affidavit are based on my personal knowledge, information provided to me by other law enforcement officers, and on my experience and training as a law enforcement officer.

3. Because this affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this

investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that Alan David Gjerde has committed violations of Title 18, U.S.C. §§ 2422(b) and 2423(b).

#### **STATUTORY AUTHORITY**

4. This investigation concerns alleged violations of 18 U.S.C. §§ 2422(b) and 2423(b), relating to the coercion, enticement, and interstate travel with the intent to engage in illicit sexual conduct with a minor.

a. 18 U.S.C. § 2422(b) prohibits a person from knowingly using a facility and means of interstate and foreign commerce to persuade, induce, and entice an individual to engage in an illegal sexual activity.

b. 18 U.S.C. § 2423(b) prohibits a person from traveling in interstate commerce for the purpose of engaging in any illicit sexual conduct with another person who has not attained 18 years of age.

#### **DETAILS OF THE INVESTIGATION**

5. On 06/26/2011, at 10:11 p.m. Eastern Daylight Time (EDT), Alan David Gjerde posted an advertisement on Craigslist in the Personals section, Casual Encounters sub-section, as follows:

“Any young sexy lady need some help? – m4w (Nky)

I’m a middle age white professional. Looking to help a young lady financially. Put help in the subject. I can host and also provide transportation.”

6. On 06/27/2011, at 1:30 p.m. EDT, Affiant, working in an undercover capacity, replied to Alan David Gjerde’s advertisement with the following email:

“heyyy, saw ur ad on craigslist. how young are u looking for? Im 14, on west side of cincy.

sarah”

7. At 1:31 p.m. EDT on 06/27/2011, Alan David Gjerde, using the email address “Bill Nelson (willnel48@gmail.com)” responded to your Affiant’s email as follows:

“I’m looking for small not young young!! You know what your doing?”

The emails continued between your Affiant and Alan David Gjerde for the next four days.

Listed below are the date, time, and text of the emails:

Date	Time	Sender	Text
06/27/2011	1:38 p.m.	Affiant	“ya i no....sorry”
06/27/2011	1:39 p.m.	Gjerde	“What kind of help do you need?”
06/27/2011	1:51 p.m.	Affiant	“what r u offering?”
06/27/2011	1:56 p.m.	Gjerde	“I really afraid that either you are a set up for the police or that you are a policeman using the picture of somebody! You have a way of proving your not?”
06/27/2011	1:59 p.m.	Affiant	“welllll um idk! I cant talk on the phone right now cause my mom is home, but mayb tomorrow.”
06/27/2011	2:00 p.m.	Gjerde	“Ok.... You have a camera phone ?”
06/27/2011	2:02 p.m.	Affiant	“i did but I dropped it and it broke. mom hasnt gotten me a new one yet”
06/27/2011	2:03 p.m.	Gjerde	“Aha.... I wad going to have you send me a pic.... Not naked !!! Clothed so that I could se if you

			were actually who you say you are.”
06/27/2011	2:05 p.m.	Affiant	“ohhhh i wish i could! can i hav a pic of u?”
06/27/2011	2:05 p.m.	Gjerde	“Are you sure? I’m in my 50’s !! Aren’t you sure it would gross you out?”
06/27/2011	2:08 p.m.	Affiant	“i wouldnt hav responed if it would!”
06/27/2011	2:10 p.m.	Gjerde	“It’s a g pic so ok!” (a shirtless picture of Gjerde was then emailed to your Affiant)
06/27/2011	2:27 p.m.	Gjerde	“Now what?”
06/27/2011	2:29 p.m.	Affiant	“i did get it, thank you! um im not sure what happens now. what do u think?”
06/27/2011	2:34 p.m.	Gjerde	“You know what the ad was looking for?”
06/27/2011	2:36 p.m.	Affiant	“welllll, I kinda had an idea ☺ but what exactly do u hav in mind?”
06/27/2011	2:37 p.m.	Gjerde	“If you are law enforcement I don’t want to say... If you are who and what you say you are..... you tell me....”
06/27/2011	2:39 p.m.	Affiant	“ummmmm how do i no u r not a cop???”
6/27/2011	2:40 p.m.	Gjerde	“I sent you a pic of me almost naked.... I don’t think a cop would do that..... I’m an airline pilot.... I can send you a pic of my id if you want..... How can you prove to me your who you are? You have any other pics?”
06/27/2011	2:44 p.m.	Affiant	“can u do yahoo chat?”

06/27/2011	2:45 p.m.	Gjerde	"Have you had sex?"
06/27/2011	2:46 p.m.	Gjerde	"Unfortunately no..... I'm on an old iPhone that had limited capabilities!"
06/27/2011	2:48 p.m.	Affiant	"well no...not totally just some rubbin and kissin"
06/27/2011	2:48 p.m.	Gjerde	"You want to have sex?"
06/27/2011	2:52 p.m.	Affiant	"welllll i am curious but i really don't know since i havent yet"
06/27/2011	2:53 p.m.	Gjerde	"You just want to explore a mans body and penis.... And then have your privates touched and licked to see what the sensation is?"
06/27/2011	2:58 p.m.	Affiant	"oh, wow...um yeah, I guess so!"
6/27/2011	3:00 p.m.	Gjerde	"You tell me what you wanted?"
06/27/2011	3:05 p.m.	Affiant	"thats a bummer about ur phone! its funny that an iphone is already out of date! i didn't really think about what I wanted, just say that u were looking for someone young. guys my age are so immature, i cant stand them!  ill hav to get off of here soon. i gotta go babysit the kids down the street. But ill be around tomroww"

8. On 06/28/2011 and 06/29/2011 your Affiant continued to send and receive emails to and from Alan David Gjerde. Gjerde told your Affiant he was traveling for work in New

York, Boston, and Baltimore, but that he would be home and available on Friday or Saturday, 07/01/11 or 07/02/11, if your Affiant wanted to get together with him. Gjerde also offered to pay your Affiant for the sexual activity.

9. On 06/29/2011, at 9:47 a.m., Alan David Gjerde emails your Affiant the following details of the proposed meeting: "I will meet you at some public place..... Friday afternoon...? You can get in my car, we will talk and gain each others trust.... Then I'll bring you home.... Play... And take you back...."

10. In an email later that day, Alan David Gjerde tells your Affiant that he is 54 years old and that he lives near Walton, Kentucky.

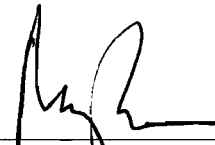
11. On 07/01/2011, a decision is made to meet at the old Western Hills movie theater, located on Harrison Avenue. Gjerde explained that he would be driving a red Chevrolet Aveo and that he would meet her out front of the movie theater at approximately noon.

12. On 07/01/2011, at approximately 11:58 a.m., a white, male, who appeared to be the same person in the image sent to your Affiant by Gjerde earlier in the week, pulled up in front of the Western Hills movie theater, in a red 2007, Chevrolet Aveo, Kentucky License Plate 7287BF, and was stopped by a marked police cruiser. Gjerde's had his iPhone in the vehicle with him and was arrested on local charges of importuning.

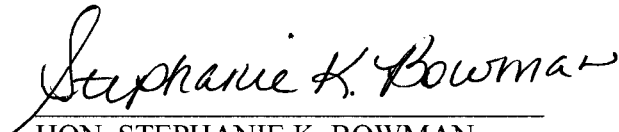
### **CONCLUSION**

13. Based on the aforementioned factual information, your Affiant respectfully submits that there is probable cause to believe that Alan David Gjerde, born XX-XX-1948, residing at 12104 Dolores Court, Walton, Kentucky 41094, Social Security Account Number XXX-XX-4140, used a means of interstate and foreign commerce, email on an iPhone, to persuade, induce, and entice an individual to engage in an illegal sexual activity and then

traveled in interstate commerce for the purpose of engaging in illicit sexual conduct with another person who he though had not attained 18 years of age, on or before July 1, 2011, in violation of Title 18, U.S.C. §§ 2422(b) and 2423(b). Therefore, I respectfully request the issuance of a warrant for the arrest of Alan David Gjerde.

  
\_\_\_\_\_  
Mary Braun  
Detective  
RECI Task Force

Sworn and subscribed before me this 1<sup>st</sup> day of July, 2011.

  
\_\_\_\_\_  
HON. STEPHANIE K. BOWMAN  
UNITED STATES MAGISTRATE JUDGE